

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

<b>CATHERINE A. OBAFUNWA</b>	*	<b>CIVIL ACTION NO:</b> _____
<b>VERSUS</b>	*	<b>JUDGE:</b> _____
<b>GILES AUTOMOTIVE, PATRICK MILLER AND GORDON BREAU AND XYZ INSURANCE COMPANY</b>	*	<b>MAG. JUDGE:</b> _____

---

**DEFENDANT'S NOTICE OF REMOVAL**

---

TO: THE HONORABLE JUDGES OF THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA

Defendants, Giles Automotive, Inc., Patrick Miller, and Gordon Breau, through undersigned counsel, hereby give notice of the removal of the civil action entitled, "*Catherine A. Obafunwa v. Giles Automotive, Patrick Miller and Gordon Breau and XYZ Insurance Company*," Docket No. 2012-5749 "B," pending in the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana for the following reasons:

I.

This civil action was originally filed by Plaintiff, Catherine A. Obafunwa, on October 22, 2012, seeking trial in the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana. Defendants were served with the Citation and Petition in the aforementioned suit as follows: Giles Automotive, Inc. -November 14, 2012; Patrick Miller - October 30, 2012; and Gordon Breau - October 30, 2012. A copy of the Citation and the Petition are attached as Exhibit A and incorporated herein by reference. The Petition alleges federal claims of pregnancy discrimination. (Petition, ¶¶ 10, 12.).

II.

This action is one of a civil nature seeking monetary damages from Defendants.

III.

This action is removed with the consent of all Defendants pursuant to 28 U.S.C. § 1441(a), as Plaintiff's claims are within the original jurisdiction of district courts pursuant to 28 U.S.C. § 1331. More specifically, Plaintiff has alleged federal pregnancy discrimination claims, which arise under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

IV.

Venue of this action is also proper pursuant to 28 U.S.C. § 1441, since the United States District Court for the Western District of Louisiana, Lafayette-Opelousas Division, embraces the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana. 28 U.S.C. § 1441(a); 28 U.S.C. § 1446(a).

V.

Pursuant to 28 U.S.C. § 1446(b), a notice of removal is contemporaneously being filed in the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana, and is being served upon Plaintiff through her counsel of record.

VI.

This notice of removal is filed within thirty (30) days of Defendants' receipt of the removable pleadings and thus, the time within which to file a notice of removal in order to properly remove the matter has not yet expired, and as such, removal is timely. 28 U.S.C. § 1441(b).

VII.

Based on the foregoing, Giles Automotive, Patrick Miller, and Gordon Breaux respectfully remove this case to this Honorable Court and respectfully submit that removal is proper pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court.

VIII.

Each Defendant preserves its right to assert its independent interests as to any issue or matter, including with respect to any issues or matters relating to the above-captioned action. Each of these Defendants reserves all rights including defenses and objections, and the filing of this notice of removal is subject to, and without waiver of, any such defenses or objections.

Wherefore, Defendants pray that the matter entitled, "*Catherine A. Obafunwa v. Giles Automotive, Patrick Miller and Gordon Breaux and XYZ Insurance Company.*," Docket No. 2012-5749 "B," pending in the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana, be removed to the United States District Court, Western District of Louisiana, Lafayette-Opelousas Division, and that the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana, proceed no further in said action filed herein unless and until this action be remanded by this Court.

Respectfully submitted,

JUNEAU DAVID, APLC

/s/ Robert J. David, Jr.

ROBERT J. DAVID, JR. (#21554)

rjd@juneaudavid.com

ALYSE S. RICHARD (#31936)

asr@juneaudavid.com

1018 Harding Street, Suite 202

Post Office Drawer 51268

Lafayette, LA 70505-1268

Ph: (337) 269-0052

Fax: (337) 269-0061

Counsel for Defendants, Giles Automotive, Patrick  
Miller, and Gordon Breaux

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2012, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all known counsel of record who are participants. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the non-CM/ECF participants:

Mr. Jonathan W. Duncan  
Mr. Jay M. Simon  
Duncan & Simon, LLC  
8480 Bluebonnet Blvd., Suite G  
Baton Rouge, LA 70810

/s/ Robert J. David, Jr.

ROBERT J. DAVID, JR.